

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

RICHARD MILLER

Plaintiff,

v.

RAYTHEON COMPANY,

Defendant.

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**CIV. A. NO. 3:09-cv-0440-O
ECF**

PLAINTIFF'S FEDERAL RULE 26(a)(3) PRETRIAL DISCLOSURES

TO THE HONORABLE REED O'CONNOR:

In accordance with the Court's trial setting order (Doc. No. 44), Plaintiff Richard Miller discloses the following information under Federal Rule of Civil Procedure 26(a)(3)(A) concerning the evidence that he may present at trial other than solely for impeachment purposes.

- (1) **Miller's disclosure of the names and, if not previously provided, addresses and telephone numbers of each witness he expects to present and those he may call if the need arises.**

	Witness	Address/telephone¹	Expected/Possible
1.	William E. Anderson	Contact via Defendant's counsel	Possible
2.	Kenneth L. Barham		Possible
3.	Dr. J. Herbert Burkman	c/o Hal K. Gillespie Gillespie, Rozen & Watsky P.C. 3402 Oak Grove Ave. Suite 200 Dallas, Texas 75204 Tel: (214) 720-2009	Expected
4.	Maggie Carter	c/o Defendant's counsel	Possible
5.	Lisa Crump	McKinney, Texas* (<u>see</u> Crump	Expected

¹ Miller is not listing the home address and telephone number for individuals whose address is indicated by an (*) in deference to the individual's privacy. He will supply the address and telephone information within his possession upon request.

		depo. 4:18-24)	
6.	Patricia Fine		Possible
7.	Rhonda Goins Brown	c/o Defendant's counsel	Possible
8.	Vivek Kamath	c/o Defendant's counsel	Possible
9.	James Lam	c/o Defendant's counsel	Possible
10.	Robert Lyells	c/o Defendant's counsel	Possible
11.	Greg Meihn	c/o Hal K. Gillespie Gillespie, Rozen & Watsky P.C. 3402 Oak Grove Ave., Suite 200 Dallas, Texas 75204 Tel: (214) 720-2009	Expected
12.	Richard Miller	c/o Hal K. Gillespie Gillespie, Rozen & Watsky P.C. 3402 Oak Grove Ave., Suite 200 Dallas, Texas 75204 Tel: (214) 720-2009	Expected
13.	Cheryl Miller	c/o Hal K. Gillespie Gillespie, Rozen & Watsky P.C. 3402 Oak Grove Ave., Suite 200 Dallas, Texas 75204 Tel: (214) 720-2009	Expected
14.	Tina Moore	c/o Defendant's counsel	Possible
15.	Mike Paquee	McKinney, Texas*	Possible
16.	Allen Reid	c/o Defendant's counsel	Possible
17.	Ina D. Robinson	c/o Defendant's counsel	Possible
18.	Matthew Shepherd		Possible
19.	Loretta Sweeney	c/o Defendant's counsel	Possible
20.	Amos Wilson	Plano, Texas* (see Wilson depo. 5:3-11)	Expected
21.	Custodian of Records Raytheon Company	c/o Defendant's counsel	Possible
22.	Elsa Guerrero Custodian of Records Texas Workforce Commission – Civil Rights Division	101 East 15 th Street Austin Texas 78778 (512) 463-2642	Possible
23.	Brenda Garza, Peter A. Robinson, or other	207 S. Houston St., 3 rd Floor Dallas, Texas 75202	Possible

	Custodian of Records U.S. Equal Employment Opportunity Commission		
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(2) Miller's designation of witnesses whose testimony he expects to present by deposition.

Miller may present deposition testimony from the following witnesses if one or more of the circumstances listed in Federal Rule of Civil Procedure 32(a)(2)-(8) exist at the time of trial:

Witness	Deposition (page(s)/line(s))
William E. Anderson	7:19-8:4, 8:18-9:7
	14:7-15:1, 16:8-12
	17:7-9, 17:16-20
	30:3-31:7
	36:16-37:1
	38:18-47:18
	66:16-67:16
	39:3-70:5
	70:16-72:2
	76:9-78:14
	79:18-21
	99:17-100:7
Lisa Crump	4:11-13
	8:18-9:4
	9:20-10:12
	12:12-20
	13:5-14:24
	15:2-17
	19:5-20:12
	21:14-19
	22:15-21
	26:24-29:17
	30:6-25
	31:6-33:10
	34:5-35:9
	36:11-37:10

	37:24-38:2
	38:7-9, 38:21-23
	39:2-10, 39:15-40:2
	40:21-41:13
	42:24-44:3
	44:4-17
	46:12-47:16
	48:7-49:3
	49:5-50:15
	52:12-53:4
	59:17-61:8
	61:24-62:5
	63:23-65:18
	66:4-67:16
	67:18-70:7
	71:11-23
	72:15-73:11
	75:25-77:24
	78:11-14
	78:25-79:18
	80:21-23, 81:1-83:8
	84:5-85:5
	85:24-87:17
	91:6-16, 91:19-22
	92:17-94:23
	96:7-20
	98:8-99:4
	100:10-101:21
	102:11-103:2
	106:5, 106:19-107:4, 107:20-108:8
	108:13-20, 109:5-110:15
	111:4-112:11
	113:21-114:20
	115:21-25
	116:17-117:2, 117:8-24, 118:6-10, 118:23
	124:3-125:25
	126:4-127:20
	128:7-21
Vivek Kamath	5:7-11, 5:16-6:14

	8:20-9:24
	10:14-23
	11:11-21
	31:22-35:20
	53:23-54:13
	58:16-59:19
	60:5-18
	77:20-78:13
	81:7-82:10
	85:15-86:5
	88:15-24
	91:18-92:18
	97:24-98:1
	98:10-99:13
	100:25-101:16
	104:5-19
	106:4-9, 107:17-111:8
	111:1-5
	119:15-120:20
	123:3-6, 123:17-23
	126:12-127:12
James Lam	6:13-7:5
	8:12-17
	18:21-24
	19:3-14
	29:24-30:3, 30:6-17
Robert Lyells	8:11-24, 9:1-8
	13:10-14:1
	15:1-16:17
	17:19-18:6, 19:1-14
	23:6-24:23
	25:3-26:14
	29:1-4
	30:1-32:7-12
	34:22-35:10
	43:11-45:10
	46:15-49:3
	63:13-64:9
	79:7-10, 80:5-14
	90:11-91:1
	95:14-20
	105:9-22, 106:6-14
	111:10-19

	115:11-116:1, 117:15-18
	119:1-120:8
	124:2-125:1
	135:9-15
	148:4-11
	148:16-25
	155:9-156:1
	156:24-157:5
	165:3-166:3
	169:11-18
	170:20-25
	175:8-176:8
	179:19-182:1
	192:6-193:3
	199:7-200:3
	202:1-5
	202:13-203:9, 203:17-20
	206:18-23
	237:20-238:20
Allen Reid	9:12-20
	10:10-20
	12:9-14
	13:23-17:1
	18:21-24
	35:4-18
	45:18-23
	47:11-48:18
	51:5-11
	52:8-53:9
	56:5-9
	56:22-57:11
	59:24-60:12
	61:2-62:6
	63:3-65:8, 65:10-13
	66:8-13, 66:17-19
	74:23-76:10
	77:9-78:8
	79:2-80:13
	82:6-83:7
	87:4-88:10
	89:23-91:14
	92:19-93:17
	110:8-11:1

	111:3-116:3
	117:9-118:9
	123:10-124:1
	124:24-126:10
	127:3-18
	132:16-135:23
	138:23-140:14
	141:18-144:7
	145:22-146:11
	164:1-165:8
	182:6-187:19
	193:15-196:13
	198:4-199:5
	205:16-208:13
Loretta Sweeney	4:11-13, 4:16-5:1
	5:16-6:13
	9:12-15
	10:16-11:3
	16:2-18:9
	18:22-19:19
	27:7-12
	28:15-31:6
	32:13-33:6, 33:15-19, 33:25-34:6
	36:1-9
	36:17-37:12
	38:6-14
	39:6-40:22
	43:4-9
	44:23-46:16, 47:6-13
	54:12-14
	55:19-25
	56:25-58:20
	60:5-14
	62:15-17, 22-25
	63:6-8, 64:1-10
	87:25-88:5
	88:21-89:15
	91:22-92:4
	93:1-94:9
	95:21-96:6
	102:3-103:19
	104:13-15
	104:21-105:4

	112:8-12
	4:11-12
	5:14-16
	8:6-19
	9:13-11:1
	12:2-13:9
	16:12-24
	17:5-11
	21:25-22:21
	24:2-15
	25:21-28:3
	31:13-39:22
	42:24-43:24
	46:18-47:13, 47:20-48:18
	49:13-53:13
	54:2-57:16
	57:22-58:13
	58:18-59:21
	63:22-64:16
	66:7-21
	67:5-8, 67:21-68:9
	69:2-6
	70:12-72:17
	72:23-73:6
	73:12-74:16
	76:25-77:8
	77:19-80:2
	80:13-16
	81:1-10
	93:11-95:1
	95:14-19
	96:8-10, 96:14
	98:12-99:13
	106:15-107:18
	108:5-23
	110:12-17
	110:23-111:22
	112:19-25
	113:20-114:3
	121:2-122:6
	123:6-16, 123:19-124:10
	124:15-17
	124:20-23
Amos Wilson	126:10-127:11

	132:21-133:5
	133:19-134:13
	134:15-135:13
	135:19-136:7
	136:25-137:25
	138:20-139:12
	141:10-12
	148:24-149:12
	150:13-151:6
	152:4-7
	160:12-15
	161:8-164:22

Miller's counsel deposed each of these witnesses before a certified court reporter and/or videographer. Because Miller may use some of the above-listed testimony for limited purpose(s), or because the testimony may be admissible only for limited purpose(s), Miller's disclosure of this testimony is not intended to waive any objection that he may have as to its admissibility for other purposes.

(3) Documents, exhibits, and summaries of other evidence that Tapp expects to offer or that she may offer if the need arises.

	Exhibit/Summary	Identifier	Expected/Possible
1.	Richard Miller's résumé	RM 1020-1021	Expected
2.	Performance Development Summaries re: Richard Miller	Raytheon/Miller 186, 193-196	Expected
3.	Additional Performance Development Summaries re: Richard Miller	RM 1022-1133	Possible
4.	Excerpts of Miller's notes	RM 206-219	Expected
5.	2007 Performance Screen re: Richard Miller	Ex. 11/RM 585-90	Possible
6.	Excerpts of Miller's notes re: 2007 mid-year review and staff meetings	RM 550, 563	Possible

7.	Michael Rynbrandt résumé	Raytheon/Miller 1018-1019	Possible
8.	Performance Development Summaries re: Michael Rynbrandt	Raytheon/Miller 1020-24	Possible
9.	RIF Q&A	Ex. 34/ Raytheon/Miller 278	Possible
10.	SCM RIF ADEA worksheet (and cover e-mail)	Ex. 36/RM 141, 195-205	Expected
11.	RIF Worksheet re: Mar. 2008 RIF	Ex. 37/ Raytheon/Miller 389-91	Expected
12.	Open job requisition worksheet (as of 4/6/08)	Ex. 38/ Raytheon/Miller 367-75	Expected
13.	Long Service Review Committee notes	Ex. 39/ Raytheon/Miller 1124-1127	Possible
14.	Profile – Experience re: Richard Miller	Ex. 43/ Raytheon/Miller 70	Expected
15.	2007 Performance Development Summary re: Richard Miller and cover email	Ex. 46/ Raytheon/Miller 184-85, RM 180	Expected
16.	Performance Development Summaries re: Kenneth Barham	Ex. 48/ Raytheon/Miller 1109-1112	Expected
17.	Various open job requisitions	Ex. 14/Raytheon/Miller 993-98; Ex. 15/Raytheon/Miller 969-71; Ex. 18/Raytheon/Miller 982-84; Ex. 24/Raytheon/Miller 1003-08	Possible
18.	Various open job requisitions	RM 1307-1317	Possible
19.	Internal recruiting screen re: Richard Miller	Ex. 19/Richard/Miller	Possible
20.	HREIS report screen re: Richard Miller	Ex. 52/Raytheon/Miller 1114	Expected
21.	Organization Chart	Ex. 53/ Raytheon/Miller 1115-1123	Expected
22.	Organization Charts	Ex. 55/ Raytheon/Miller 9-11	Expected
23.	E-mail chain dated 2/27/08	Ex. 58/ Raytheon/Miller 861-864	Possible
24.	E-mail chain between Lyells and Miller dated 1/31/08	Raytheon/Miller 867-68	Possible
25.	Job requisition: #SAS10585	Ex. 64/ Raytheon/Miller 1015-1017	Expected
26.	G. Meihn e-mail to J. Lam	RM 188	Expected

	dated 6/16/08		
27.	J. Lam notes of telephone calls	Raytheon/Miller 224	Possible
28.	HREIS report screen re: Richard Miller	Ex. 74/ Raytheon/Miller 287-88	Expected
29.	Job requisition: #SAS108836	Ex. 83/ Raytheon/Miller 987 -989	Expected
30.	Candidate Workflow Status re: Richard Miller	Raytheon/Miller 1044	Expected
31.	Screenshot of job requisition status	Ex. 88A/ Raytheon/Miller 1063-64	Possible
32.	Excerpts of Candidate Workflow Status re: #SAS108836	Raytheon/Miller 1361 (Exs. 85-87)	Possible
33.	Raytheon's EEOC position statement, plus business records declaration	Ex. 50/ Raytheon/Miller 828-831, 811	Expected
34.	Excerpts of Raytheon Company's 2008 Annual Report	Located at www.raytheon.com	Expected
35.	Excerpts of Raytheon Company's 2009 Annual Report	Located at www.raytheon.com	Expected
36.	SEC Form 8-k re: Raytheon Company, dated 1/28/10	Raytheon/Miller 1362-86	Expected
37.	Economic assessment report for Richard Miller by Dr. J. Herbert Burkman (dated Dec. 16, 2009)	RM 1318-1339	Expected
38.	Various documents concerning Miller's earnings relied upon by Dr. Burkman	Raytheon/Miller 39-68, 197- 209; RM 91-114, 569-80, 595-97, 610-13, 623-24, 628-30, 632 637, 641-42, 1305-06.	Expected
39.	Various achievement awards earned by Richard Miller	RM 630, 633, 635-36, 639- 40, 643-45	Possible
40.	Richard Miller – Job Search Log	RM 230-32	Expected
41.	Richard Miller – supplemental job search	To be supplemented	Expected
42.	Documents relating to Miller's job search	RM 244-439	Expected
43.	Defendant Raytheon Company's Answers and/or Objections to Plaintiff's Interrogatories (No. 7)	Ex. 61	Expected

44.	Defendant Raytheon Company's Answers and/or Objections to Plaintiff's Third Interrogatories (Nos. 17, 21)	Ex. 71	Possible
45.	March 16, 2010 declaration of Amos Wilson	Doc. No. 42	Expected
46.	Severance offer and release of claims re: Richard Miller	RM 115-117	Expected
47.	Richard Miller's charge of age discrimination (#450-2008-04615)	RM 6-7	Expected
48.	EEOC Dismissal and Notice of Right to Sue	RM22	Possible
49.	TWC Notice of Right to File a Civil Action	RM 46	Possible
50.	Timeline of Events (demonstrative)		Expected
51.	Summary of Damages (current through time of trial)		Expected
52.	Evidence Summary Charts (demonstrative)		Expected

To the extent that Miller does not object to the admissibility of Defendant's proposed exhibits, he incorporates into these disclosures any exhibit listed in Defendant's pretrial disclosures.

DATED: June 1, 2010

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that on June 1, 2010 he electronically submitted the foregoing document to the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case files system of the court. The electronic case files system sent a "Notice of Electronic Filing" to the following individuals, who have consented in writing to accept this Notice as service of this document by electronic means: Michael P. Maslanka, Esq., and Buena Vista Lyons, Esq., of FORD & HARRISON LLP, attorneys for Defendant Raytheon Company.

/s/ James D. Sanford

One of Plaintiff's Counsel